

In The United States Court of Federal Claims

No. 08-460C

(Filed: October 20, 2008)

NORTH STAR ALASKA HOUSING
CORPORATION,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

On September 9, 2008, defendant filed a motion for judgment on the pleadings directing the court to “enter judgment in favor of the United States upon North Star’s claim regarding an incentive fee for 2006, where North Star does not allege facts regarding whether the . . . incentive fee award was arbitrary or capricious.” On October 9, 2008, plaintiff filed its opposition with a motion for leave to file a seconded amended complaint that specifically alleges that the 2006 incentive fee award was arbitrary and capricious. On October 15, 2008, defendant filed a notice “consent[ing] to plaintiff amending its complaint in a manner identical to the draft Second Amended Complaint . . . filed on October 9, 2008.” Accordingly, the court hereby orders:

1. On or before October 27, 2008, plaintiff shall file its Second Amended Complaint identical to the one it filed as an exhibit on October 9, 2008.
2. Defendant’s September 9, 2008, motion for judgment on the pleadings is hereby **DENIED**.

IT IS SO ORDERED.

s/ Francis M. Allegra
Francis M. Allegra
Judge